

REMARKS

Claims 1-18 are pending in this application. Claims 1-3 are independent claims.

By this amendment, claims 1-4, 9-12, 17 and 18 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claim 10 over the art of record. The Office Action also indicates that claim 10 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, applicant respectfully submits that all of claims 1-18 are allowable, for at least the reasons set forth below.

The Claims Define Patentable Subject Matter

The Office Action rejects:

(1) claims 1-4, 7, 9, 11 and 12 are rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's Admitted Prior Art, i.e., Fig. 10 (hereafter AAPA); and

(2) claims 5, 6 and 13-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of U.S. Patent No. 4,1156,273 to Sato (hereafter Sato).

These rejections are respectfully traversed.

Applicant respectfully submits that the claimed invention is distinguishable from the cited art, AAPA, for at least the following reasons:

The Examiner alleges that AAPA, i.e., applicant's Fig. 10, discloses a constant current circuit (15) that feeds a constant current to a switching control circuit (14) for controlling the main switching device (7) even when an alternating-current voltage of the commercially distributed

alternating-current power varies. (see Office Action, pages 2-3). Applicant respectfully disagrees with this allegation.

For example, applicant submits that AAPA's Fig. 10 fails to teach a constant current circuit as set forth in the present invention. Instead, AAPA discloses in paragraph [0049] that it is necessary to appropriately set the capacitance of the capacitor 17 in Fig. 10 and then, assuming that the voltage of the commercially distributed alternating-current power is 85 V, set the resistance of the start-up resistor 15 to make the time required for the switching power apparatus to start up so short that the user of the apparatus does not feel inconvenience when using it. In AAPA's Fig. 10, with these settings, however, when the voltage of the commercially distributed alternating-current power is 264 V, the current fed through the start-up resistor 15 is about three times as large as when the voltage of the commercially distributed alternating-current power is 85 V.

In other words, in AAPA's Fig. 10, when the voltage of the commercially distributed alternating-current power varies from 264 V to 85 V, the current going to the switching control circuit also varies from about three times as large as when the voltage is 264 V as opposed to when the voltage is 85 V. As such, AAPA's Fig. 10 fails to disclose a constant current circuit that feeds a constant current to a switching control circuit irrespective of the magnitude of an alternating-current voltage of the commercially distributed alternating-current power, as set forth in the present invention.

For at least the above-noted reasons, applicant submits that the present invention is distinguishable from AAPA's Fig. 10.

Furthermore, Applicant submits that Sato fails to make up for the deficiencies found in AAPA's Fig. 10.

Like AAPA, Sato also fails to disclose providing a constant current to a switching control circuit irrespective of the magnitude of an alternating-current voltage of the commercially distributed alternating-current power. Instead, Sato merely discloses that when the switching control circuit 6 is controlled such that the primary current flowing through the switching transistor is limited to a given constant value, the switching transistor 2 is kept in such a constant limit current when an

overload continues, thus resulting in an increased collector loss in the switching transistor 2 during the protecting operation and hence resulting in overheating of the switching transistor in case of a continued overload state, which Sato describes as a disadvantage (see Sato, col. 3, lines 24-48).

In other words, Sato merely discloses a serial circuit composed of a resistor and a Zener diode which arguably feeds a constant voltage to the positive-side power terminal of a switching control circuit. However, Sato's serial circuit fails to feed a constant current to a switching control circuit irrespective of the magnitude of an alternating-current voltage, as set forth in the present invention.

As such, applicant submits that Sato absolutely teaches away from providing a constant current circuit that feeds a constant current to a switching control circuit irrespective of a magnitude of the alternating-current voltage of the commercially distributed alternating-current power, as set forth in the present invention.

For at least the above-noted reasons, applicant submits that it is improper to combine Sato's admitted constant-current disadvantages with the teaching of AAPA in an attempt to arrive at the present invention.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, AAPA, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claims 1-3 are allowable over AAPA for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-4, 7, 9, 11 and 12 under 35 U.S.C. §102(a) is respectfully solicited.

Applicant also respectfully submits that Sato fails to make up for the deficiencies found in AAPA.

Applicant respectfully submits that for at least the reasons noted above, neither AAPA nor Sato, taken singularly or in combination, (assuming these teachings may be combined, which applicant do not admit) teach or suggest a constant current circuit that feeds, irrespective of the magnitude of an alternating-current voltage, a constant current to a switching control circuit.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that the combination of AAPA and Sato fail to teach or suggest each and every feature as set forth in the claimed invention.

Accordingly, withdrawal of the rejection of claims 5, 6 and 13-18 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

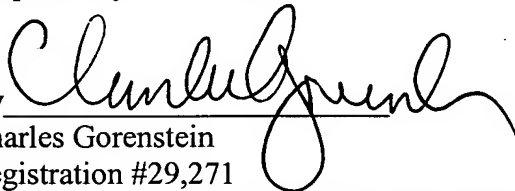
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

By 

Charles Gorenstein
Registration #29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant